

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD SAUNDERS,
Plaintiff,

v.

DEFENDANTS, et al.,
Defendants.

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CIVIL ACTION NO. 19-CV-4395

ORDER

AND NOW, this 22nd day of October, 2019, upon consideration of Plaintiff Richard Saunders's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 4), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Richard Saunders, #19005283, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of George W. Hill Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Saunders's inmate account; or (b) the average monthly balance in Mr. Saunders's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Saunders's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Saunders's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of George W. Hill Correctional Facility.

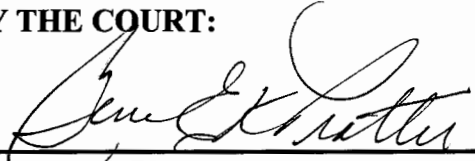
4. The Complaint is **DEEMED** filed.

5. Mr. Saunders's Complaint is **DISMISSED** as frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii) for the reasons stated in the Court's Memorandum as follows:

- a) Mr. Saunders's First Amendment access to the courts claim is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim. Mr. Saunders is given thirty (30) days to file an amended complaint with respect solely to this claim. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Mr. Saunders's claim against each defendant. When drafting his amended complaint, Mr. Saunders should be mindful of the Court's reasons for dismissing this claim as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court. If Mr. Saunders fails to comply with this Order, his case may be dismissed for failure to prosecute without further notice.

- b) All other claims are **DISMISSED WITH PREJUDICE** pursuant to 28
U.S.C. § 1915(e)(2)(B)(i) and (ii) as frivolous and for failure to state a claim.

BY THE COURT:



GENE E.K. PRATTER, J.